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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,169	10/26/2001	Hirohide Enami	650.00713	7967

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WOOD, PHILLIPS, VANSANTEN,
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EXAMINER

NILAND, PATRICK DENNIS

ART UNIT PAPER NUMBER

1714

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/055,169	ENAMI ET AL.	
	Examiner	Art Unit	
	Patrick D. Niland	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-109 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-109 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 17-20, 97-98, 103-104, and 109 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1031586 A1 Yonezawa et al..

Yonezawa et al. discloses a composition of a hydrogenated butadiene styrene block copolymer of the instantly claimed amount of hydrogenation, the instantly claimed amount of styrene, and amount of 1,2 bonds and a polypropylene resin. See the abstract; page 2, lines 5-8 and 50-58; page 3, lines 1-16 and 31-41 and 42-58; page 4, lines 1-58, particularly 17-18 and 56-58 which, considering the amounts of these resins, encompasses the instantly claimed MFR of the instantly claimed composition,; page 5, lines 1-58, particularly 1-3. The polypropylene can be ethylene/propylene (page 4, lines 7-20), which falls within the scope of the instant claims 3-4. The silicone oil of page 5, line 56 falls within the scope of the instant claims 17-20. The film of the reference, page 5, lines 49-51 falls within the scope of the skin of the instant claim 109 as there is no evidence that the process limitations make the instantly claimed product and that of the prior art different.

4. Claims 1-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1031586 A1 Yonezawa et al. in view of US Pat. No. 5948850 Enami et al..

Yonezawa et al. discloses a composition of a hydrogenated butadiene styrene block copolymer of the instantly claimed amount of hydrogenation, the instantly claimed amount of styrene, and amount of 1,2 bonds and a polypropylene resin. See the abstract; page 2, lines 5-8 and 50-58; page 3, lines 1-16 and 31-41 and 42-58; page 4, lines 1-58, particularly 17-18 and 56-58 which, considering the amounts of these resins, encompasses the instantly claimed MFR of the instantly claimed composition,; page 5, lines 1-58, particularly 1-3. The polypropylene can be ethylene/propylene (page 4, lines 7-20), which falls within the scope of the instant claims 3-4. The silicone oil of page 5, line 56 falls within the scope of the instant claims 17-20. The film of the reference, page 5, lines 49-51 falls within the scope of the skin of the instant claim 109 as there is no evidence that the process limitations make the instantly claimed product and that of the prior art different.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the instantly claimed combinations of ingredients as the composition of Yonezawa because they are encompassed by the reference and would have been expected to give the properties discussed by the reference.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use an ethylene propylene copolymer having the instantly claimed melting point because the higher melting temperature would have been expected to give a product with a higher melting temperature and one would not want the articles

mentioned at page 2, lines 10-13 to melt or soften at their operating temperatures, which are typically above ambient. Thus, the instantly claimed melting temperatures of the ethylene propylene copolymer would give only predictable results to the composition.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the peroxide of the instant claims 9-16 and 101-102 in the composition of Yonezawa and to process the composition of Yonezawa according to the instant claims to give a slush molding powder because the excellent properties of the composition of Yonezawa would have been expected in the final molded article, slush molding is a well known polymer shaping process, as shown by Enami et al., and Enami et al. shows the use of such ingredients to be useful in propylene/hydrogenated styrene butadiene compositions to give slush molding powders (e.g. at column 2, lines 47-50; column 4, lines 1-54; and column 5, line 1 to column 6, line 39).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Niland whose telephone number is (571) 272-1121. The examiner can normally be reached on Monday through Thursday from 10 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

pn

December 28, 2003



Patrick Niland
Primary Examiner
Art Unit 1714